

**REMARKS/ARGUMENTS**

Response to the anticipation and obviousness rejections

Applicant has reviewed and considered the Office Action and the cited references mailed January 25<sup>th</sup>, 2006.

In response thereto, claims 6, 17 and 24 are canceled without prejudice or disclaimer; and independent claims 1 and 13 have been amended. As a result, claims 1-5, 7-16, 18-23 and 25 are presently pending in the application.

The drawings were objected to under 37 CFR 1.83(a) because the partitioning wall comprising connecting and support elements (of claims 20-23) would allegedly be not shown in the drawings. Attention is drawn to not only page 5, line 24 to page 6, line 5, and page 6, lines 16-32, of the present application, where the connecting and support elements are described, but more particularly, to Figures 2, 3 and 4 originally filed where said connecting and support elements are clearly illustrated (see reference No. "16" for "connecting element" and reference No. "24" for "support element"). Reconsideration of the above-mentioned objection is thus respectfully requested.

Claims 6 and 17 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite because of the phrase "ramp-like" contained therein. In response thereto, claims 6 and 17 have been deleted and the subject matter thereof has been respectively introduced into independent claims 1 and 13. Moreover, the expression "ramp-like" which has been objected to has been amended to read simply "ramp".

Claim 24 was rejected under 35 U.S.C. 112, second paragraph, because it was unclear whether the claim was directed to a partitioning system *per se* or the partitioning system in combination with a drawer. In response thereto, claim 24 has been canceled.

Claims 1, 2, 5-8, 13, 14, 16-19 and 24 were rejected under 35 U.S.C. 102(b) as being anticipated by BITEL (US 4,577,773); claims 1-4 and 9-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over HOLLENSTEIN (Swiss Patent 644742) in view of MOORE (US 3,433,548); claims 20-23 were rejected under 35 U.S.C. 103(a) as being unpatentable over HOLLENSTEIN in view of MOORE and further in view of KLEINERT et al. (US 4,436,213); and claim 25 was rejected under 35 U.S.C. 103(a) as being unpatentable over BITEL in view of DUNHAM (US 3,227,504).

In response thereto, independent claims 1 and 13 have been amended, so as to not only include therein the subject matter of former claim 6, as aforementioned, but so as to introduce therein further limitations in order to better define the invention. The above-mentioned objections are respectively traversed for the following reasons:

The present invention as now better defined in amended independent claim 1 (and similarly for amended independent claim 13), and better illustrated in Figures 2 and 3 of the present application, is directed to:

"1. A fastening arrangement for fastening a partitioning wall between two support walls in a drawer, comprising:

a pair of elongated blades (12) punched in the partitioning wall and projecting sideways from the partitioning wall (10) adjacent ends (14) thereof at a predetermined height (12) of the partitioning wall, each blade (12) extending vertically along a corresponding adjacent end (14) of the partitioning wall (10) and comprising a lower ramp surface (34) defined between the partitioning wall (10) and said predetermined height (12); and

opposite connecting elements respectively projecting from the support walls at heights matching with the height of the blades of the partitioning wall when the partitioning wall is in operative position between the support walls, the connecting elements having retaining channels in which the ends of the partitioning wall are uprightly slideably engageable, the retaining channels having opposite side locking lips forming guiding slots for passage of a section of the partitioning wall extending between the connecting elements, the ramp surfaces (34) of the blades (12) of the partitioning wall being shaped and sized for facilitating insertion of the blades (12) in the retaining channels (18) and for respectively and progressively press-fitting against inner sides of said channels (18) behind the locking lips when the partitioning wall is in the operative position.".

(underlined and reference numbers have been added by us herein for sake of better explanation and argumentation only).

Indeed, former independent claim 1 (and similarly former independent claim 13) has been amended so as to introduce therein the subject matter of former 6, and other limitations, so as to thus better highlight the components and features of the present invention considered patentably distinguishable and inventive over the prior art. The various innovative features of the present invention have thus been underlined and referenced above and hereinbelow, and are supported by the text and figures of the present application as originally filed. In support of this contention, please refer more particularly to pages 6 (lines 5-12), 9 (lines 18-22) and 10 (lines 3-6) of the description, and to Figures 2, 3 and 5 originally filed. Thus, no new matter has been introduced with the present amendment.

Furthermore, it is respectfully submitted that amended independent claim 1 (and similarly amended independent claim 13) now defines distinctively and in explicit terms the subject matter of the invention, and that this subject matter clearly distinguishes itself in a patentable manner over the prior art, and more particularly over the cited references.

Indeed, important advantages resulting from the components and features of the present invention, namely the fact that each blade (12) extends vertically along a corresponding adjacent end (14) of the partitioning wall (10) and comprises a lower ramp surface (34) defined between the partitioning wall (10) and said predetermined height (see blade 12), as better exemplified in Figure 5, and the fact that the ramp surfaces (34) of the blades (12) of the partitioning wall (10) are shaped and sized for facilitating insertion of the blades (12) in the retaining channels (18) and for respectively and progressively press-fitting inner sides of said channels (18) behind the locking lips when the partitioning wall is in the operative position, as now better defined in independent claim 1 (and similarly for amended independent claim 13), reside in the fact that the *"press-fitting assembly between the partitioning wall 10 in the support walls, combined to the retaining action of the lips 20, prevents undesired disengagement of the partitioning wall 10 and provides steady fastening of the partitioning wall 10 between the support walls. Consequently, no noises produced by the possible vibrations of the drawer 2 when it is open or closed. Since the partitioning wall 10 is firmly hold in place, it is not prone to move up and it is thus unnecessary to screw it to the bottom of the drawer 2 to prevent articles to pass or get stuck under it."* (as explained in page 9, lines 18-27 of the present application).

As may now be better appreciated, the vertically extending ramp surface (34) of the blade (12) according to the present invention, as now better defined in independent claim 1 (and similarly for amended independent claim 13) is shaped and sized so as to progressively increase

in effective height from a general plane of the partitioning wall to the corresponding predetermined height of the blade (see page 6, lines 5-12 of the present application), thereby enabling a progressive and increased press-fitting configuration, in a vertical direction, between said ramp surface (34) of the blade (12) and the corresponding retaining channels (18) of the connecting elements (16) so as to enable a stronger and more fitting interconnection than what is possible with the devices described in the prior art, namely BITEL, HOLLENSTEIN and MOORE.

Indeed, and in contrast to the present invention, BITEL, HOLLENSTEIN and MOORE not only do not describe all the components and features of the present invention, as now better defined in amended independent claim 1, namely: a) a blade extending vertically along a corresponding adjacent end of the partitioning wall; b) comprising a lower ramp surface defined between the partitioning wall and said predetermined height; c) the ramp surfaces of the blades of the partitioning wall being shaped and sized for facilitating insertion of the blades in the retaining channels; d) and for respectively and progressively press-fitting against inner sides of said channels, as described above, etc., but it is respectfully submitted that BITEL, HOLLENSTEIN and MOORE teach away from the present invention in that, for example, according to BITEL, the blade (56) does not extend vertically along a corresponding adjacent end of the partitioning wall, but rather extends transversely to an adjacent end of the partitioning wall, as better exemplified in Figure 1 of BITEL (see reference No. "56"), and such blades 56 do not comprise vertically extending ramp surfaces being shaped and sized for facilitating insertion of the blades into corresponding channels for respectively and progressively press-fitting against inner sides of the channels, in a vertical direction. Indeed, BITEL, HOLLENSTEIN and MOORE are typical examples of the conventional fastening systems described in the

Background portion of the present application, which as explained "*may vibrate in the slots of the separators during operating of the drawer and produce an undesirable noise. Furthermore, the dividers move from time to time upwardly in the slots, ....*". Indeed, a major drawback associated with the cited prior art documents resides in the fact that they do not provide means for an easier and progressive press-fitting action, in a vertical direction, as the partitioning wall is inserted into corresponding channels. For example, HOLLENSTEIN (Swiss Patent No. 644742) already known to the Applicant and described in the Background portion of the present application, does not teach or even suggest to have means that would enable the partitioning walls from being easily removed upwardly from its corresponding slots because it does not comprise blades extending vertically along a corresponding adjacent end of the partitioning wall and comprising lower ramp surfaces for respectively and progressively press-fitting against inner sides of channels as is only the case with the present invention, as now better defined in independent claim 1 (and similarly for amended independent claim 13). Indeed, a substantial problem associated with the fastening systems according to BITEL and/or HOLLENSTEIN is that their partitioning walls can be easily removed vertically from their corresponding retaining channels, which is very disadvantageous in several applications.

As it was established in Eversharp Inc. vs. Fisher Pen Company, 204F Supp. 649, 662-3, 132 USPQ 483, 434 (N.D. 11 1961), obviousness by definition is essentially whether or not an unimaginative skilled technician would, in light of the prior art and common general knowledge, be led directly, without difficulty, to the invention covered by the claims.

In the present case, it is respectfully submitted that this very same unimaginative skilled technician would then have had to not only displace skill and ingenuity to identify all the problems associated with the prior art references, as discussed above, but also come up with the

corresponding solutions to said problems, which are only taught and claimed in the claims of the present application (namely, blades extending vertically along corresponding adjacent ends of the partitioning walls and comprising lower ramp surfaces defined between the partitioning wall and said predetermined height, for facilitating insertion of the blades in the retaining channels and for respectively and progressively press-fitting against inner sides of the channels, etc., and resulting advantages).

Thus, the Applicant respectfully submits that such intellectual work or brainstorming is inventive and the subject matter of amended independent claim 1 (and similarly, amended independent claim 13) is non-obvious over the cited prior art and thus patentable.

Moreover, it is respectfully submitted that Applicant recognized the source of the problems associated with the prior art systems described in BITEL, MOORE and HOLLENSTEIN, and after extending considerable effort in research and development, developed the presently claimed fastening arrangement with corresponding components and features, and resulting advantages which eliminated the problems associated with the prior art systems.

Hence, in view of the above modifications and information, the Applicant respectfully submits that independent claims 1 and 13 meet the requirements of 35 U.S.C. § 112, but are also new and inventive, as explained above. Since all the other dependent claims depend all directly or indirectly on independent claims 1 and 13, and since these dependent claims define distinctively the subject matter which the Applicant regards as his invention, it is submitted that the dependent claims are also new and non-obvious, and thus allowable.

It is to be understood that no admission is made nor implied by the present amendment as to the fact that the prior art cited may be relevant. Indeed, this amendment is made solely to expedite the prosecution of the present application.

In view of the above, it is respectfully submitted that the present application is in a condition for allowance, reconsideration of the present application and a favorable response are respectfully requested. Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned attorney at (202) 756-8000.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made: Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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